

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Joseph Sieber, Chairman;
Gerald Yarbrough, Vice Chairman;

FROM: Joan B. Futterman, Interim Board Member
Board of Review

Subject: Minutes of the October 9, 2013
Board of Review Meeting

Date: October 11, 2013

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, October 9, 2013, at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. **The next regular meeting of the Board of Review is scheduled for Wednesday, October 16, 2013, at 9:00 a.m.** at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Mr. Sieber, Chairman
Mr. Yarbrough, Vice-Chairman
Ms. Futterman, Interim Board Member

2. Following a motion by Mr. Yarbrough and seconded by Mr. Sieber, the minutes of the September 25, 2013 meeting were approved.

3. New Business

(a) 426,717

Ms. Hart presented this matter regarding whether the appeals examiner acted properly when withdrawing an appeal of one of two matters. The Appeal Tribunal held the claimant did not wish to pursue the appeal of one of two determinations and held the claimant was disqualified under N.J.S.A. 43:2105(c) from the second employment from May 5, 2013 through June 1, 2013, available for work from April 7, 2013 (sic) and unavailable for work from June 20, 2013, under N.J.S.A. 43:21-4(c). The Board, after a discussion, voted to affirm the withdrawal of the determination from the first employer

and remand the matter of the claimant's separation from employer #2, a temporary agency to the Appeal Tribunal for additional testimony in regard to the written agreement and the claimant's availability for work. Ms. Hart will prepare the remand.

(b) 418,421

This matter, presented by Ms. Jackson, is regarding whether the claimant's reduced hours provided her with good cause for leaving her employment and whether the claimant is liable to refund benefits paid. The Appeal Tribunal held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(a) and N.J.S.A. 43:21-5(b) and not liable to refund benefits. After a discussion, the Board voted to remand the matter to the Appeal Tribunal for employer testimony in regard to the reason for the reduced hours. Ms. Jackson will prepare the remand.

(c) 428,909

Ms. Keller presented this matter of whether the claimant was discharged for fraudulent activities, helping two friends to obtain identification cards to enable them free entry into a stadium. The Appeal Tribunal held that the claimant was discharged for severe misconduct connected to the work, under N.J.S.A. 43:21-5(b). The Board, after consideration, voted to affirm the decision of the Appeal Tribunal. Ms. Keller will prepare the decision.

(d) 430,781

This case, presented by Ms. Keller, is regarding whether a claimant, who was discharged for attendance issues, had compelling reason for her absence. The Appeal Tribunal held that the claimant was discharged for severe misconduct connected to the work, under N.J.S.A. 43:21-5(b). After a discussion, the Board voted to reverse the Appeal Tribunal and hold that the claimant was not discharged for misconduct connected to the work under N.J.S.A. 43:21-5(b). Ms. Keller will prepare the decision.

There being no further business to transact, a motion was made by Mr. Yarbrough to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

Joan B. Futterman
Interim Board Member

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